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March 1, 2021

*Via ECF*  
Hon. Jesse M. Furman  
United States District Court Judge  
Thurgood Marshall  
United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: *United States v Arguendas (Jacob Padin)*

20 Cr. 135 (JMF)

Dear Judge Furman:

Your Honor ordered the temporary release of Jacob Padin on April 8, 2020, because of the threat that COVID-19 posed to his health at the jail. Mr. Padin has sought and obtained eight extensions of his temporary release since then and currently seeks an extension until March 31, 2021, because of the ongoing pandemic in our country, together with his severe, chronic asthma and other medical conditions that required recent shoulder surgery and ongoing therapy, as well lower back issues he is attending to that might also require surgery.<sup>1</sup>

Our country continues to face unprecedented challenges from the coronavirus pandemic. There were 449,038 new cases in the United States in total last week.<sup>2</sup> In our prisons across the

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<sup>1</sup> Counsel apologizes for the late filing of this letter request. Counsel attempted to file this Friday evening, February 26, 2021 until today, and was only able to get it filed on ECF this morning. The settings on my home office computers were preventing me from filing, but I thought instead that Pacer in SDNY was down. Counsel realizes that the February 26, 2021 filing date was a late filing in itself and apologizes.

<sup>2</sup> [https://covid.cdc.gov/covid-data-tracker/#cases\\_casesinlast7days](https://covid.cdc.gov/covid-data-tracker/#cases_casesinlast7days) (Accessed February 24, 2021)

country, as of February 16 at least 381,462 people in prison had tested positive for COVID-19, a one percent increase from the week before.<sup>3</sup> The number of prisoner deaths reported rose 1 percent in a week and there have been at least 2,419 deaths reported among prisoners.<sup>4</sup> And the Metropolitan Detention Center reported its first death due to COVID-19 in early February.<sup>5</sup> In fact, states including New York and New Jersey, where new cases are higher and staying high, had a daily average of at least 15 new cases per 100,000 people over the past week.<sup>6</sup> Moreover, even though cases of the coronavirus are declining around the United States, New York and New Jersey remain hot spots, with New York having had 8893 new cases on February 25, 2021, and New York being the second state with the highest number of cases of coronavirus, only behind California.<sup>7</sup>

As noted above, Mr. Padin has severe asthma, is recovering from shoulder surgery, and continues to have several doctors' appointments scheduled in the near future to determine issues he has had with his lower back.

Because of the pandemic and his surgery, and in light of his severe asthma, Mr. Padin respectfully requests that Your Honor extend his temporary release until March 31, 2021. Mr. Padin's Pretrial Service Officer Bernisa Mejia takes no position on his request and defers to Your Honor's decision but reports Mr. Padin is in full compliance with his release conditions. Andrew Chan, AUSA, responded: "For the reasons previously stated, the Government continues to oppose further extension of Padin's temporary release. Since Padin's most recent application, the spread of COVID-19 has been steadily decreasing in New York City. As of February 15, 2021, the COVID-19 vaccine also became available to New York residents who have various underlying conditions, including individuals suffering from moderate to severe asthma. The Government is not aware whether Padin has scheduled an appointment to receive the COVID-19 vaccine. Finally, the Government notes that certain in-person court proceedings have resumed in this District."

Your Honor's time and consideration of this request is greatly appreciated.

Respectfully submitted,  
s/  
Lorraine Gauli-Rufo  
Attorney for *Jacobb Padin*

cc: Andrew Chan, AUSA  
Danielle Sassoon, AUSA

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<sup>3</sup> <https://www.themarshallproject.org/2020/05/01/a-state-by-state-look-at-coronavirus-in-prisons> (Accessed February 24, 2021)

<sup>4</sup> <https://www.themarshallproject.org/2020/05/01/a-state-by-state-look-at-coronavirus-in-prisons#prisoner-deaths> (Accessed February 24, 2021) F

<sup>5</sup> [https://www.bop.gov/resources/news/pdfs/20210208\\_press\\_release\\_bro.pdf](https://www.bop.gov/resources/news/pdfs/20210208_press_release_bro.pdf) (Accessed February 26, 2021)

<sup>6</sup> <https://www.nytimes.com/interactive/2020/us/coronavirus-us-cases.html> (Accessed February 24, 2021)

<sup>7</sup> <https://www.statista.com/statistics/1102807/coronavirus-covid19> (Accessed February 26, 2021)

Bernisa Mejia, PTSO (*via email*)

Application GRANTED. With counsel's assistance, the Defendant is required to take steps to obtain the COVID-19 vaccine as soon as possible. If the Defendant moves to extend the date of voluntary surrender again, counsel shall advise the Court whether and when the Defendant is scheduled to be vaccinated. The Clerk of Court is directed to terminate Doc. #356. SO ORDERED.



March 1, 2021